

Elk Township Planning and Zoning Board Meeting

Regular Business Meeting

April 17, 2013

Minutes

Call to Order: The Board Chairman called the meeting to order at 7:33pm.

Roll Call:

Present: Mayor Barbaro, Bill Carter, Ed McKeever, Chuck Nicholson, Eugene Shoultz, Patrick Spring, Jeanne White, Jay Hughes, Frank Goss,

Also present were the Board's professionals: Leah Furey Bruder, Planner-Bach Associates, Corey Gaskill, Engineer-Fralinger Engineering, and Joan Adams, Solicitor, Adams & Adams.

Absent: David McCreery, Rich Tondo

Open Public Meeting Act: read by the Board Secretary

Announcements:

- Notice to Public and Applicants: Board policy is no new business will commence after 10:30 pm and all testimony will stop at 11:00 pm, except for individuals wishing to speak during the general public session.

General

➤ **Resolutions:**

2013-12: Resolution dismissing the application of Garden State Outdoor, LLC for Use variance, Bulk variances and Minor Site Plan approval for block 177, lot 2.02 without prejudice.

Mayor Barbaro moved to adopt resolution 2013-12, Seconded by Mr. Carter.

Roll Call:

In favor: Barbaro, Carter, McCreery, Nicholson, Shoultz, Spring, White

Against: None Abstain: None 7-0-0`

2013-13: Resolution of approval for Preliminary & Final Major Site Plan with variances to construct a church, Catholic Community of the Holy Spirit, on block 7, lot 1 located on NJSH 77 & CR 538 , to applicant, Diocese of Camden.

This resolution has been postponed at the request of the Church Attorney.

2013-14: Resolution memorializing the approval of Bulk variance to permit the construction of a six foot tall picket fence in the front yard of a residential property identified as 233 Unionville Road, block 29, lot 12, to applicants, Tony and Heidi Creta

Mr. Shoultz moved to adopt resolution 2013-14, Seconded by Mr. Goss.

Roll Call:

In favor: Barbaro, Carter, McKeever, Nicholson, Shoultz, White, Hughes

Against: None Abstain: None 7-0-0`

2013-15: Resolution granting Minor Subdivision approval to permit the creation of three lots from block 147, lot 1, to applicant, John Melleady.

Mr. Shoultz moved to adopt resolution 2013-15, Seconded by Mr. Nicholson.

Roll Call:

In favor: Barbaro, Carter, McKeever, Nicholson, Shoultz, White, Hughes

Against: None Abstain: None 7-0-0`

2013-16: Resolution Certifying the Pre-existing Nonconforming Status of the uses of the primary structure located upon block 18, lot 31 commonly known as 224 Whig Lane Road, and granting a waiver of site plan review for the construction of a new 392 square foot building to be used as an office to applicant, Evergreen Roping, LLC.

Mr. Hughes moved to adopt resolution 2013-16, Seconded by Mr. Nicholson.

Roll Call:

In favor: Carter, McKeever, Nicholson, Shoultz, White

Against: None Abstain: None 5-0-0`

➤ **Approval of minutes:**

- **March 20, 2013** (the agenda mistakenly lists the minutes as April 17th)

Mr. Goss moved to approve the minutes of March 20, 2013, Seconded by Mrs. White.

Mr. Spring and Mayor Barbaro abstained. With all other members in favor, *the motion was carried.*

➤ **Old Business: None**

➤ **New Business:**

Application # ZB-13-01

- 1) **Completeness Hearing, Bulk variances to replace the existing dwelling with a new dwelling on an undersized lot located at:**
Block 170, Lot 19, 267 Clayton Aura Road, Applicant: Belinda Florence

Attorney Michael Borelli, Pitman, NJ, represented the applicant, Belinda Florence and gave the following overview:

The parcel is owned by Belinda's mother, Janet. The parcel is approximately 1/3 of an acre in size and has access to Clayton-Aura Road by a 20 foot wide easement which is provided by deed. The family has resided in the township for over 35 years in the existing dwelling. The applicant wishes to replace the current dwelling with a new 2 story dwelling as well as a new septic system. The property is triangular in shape, is an undersized lot and also does not have the required street frontage. There will also be an improvement of the driveway which is presently outside of the right of way.

Mrs. Adams swore in the applicant, Belinda Florence who resides at 267 Clayton-Aura Road and the board proceeded with the completeness hearing.

Board Planner, Leah Bruder, referred to her letter dated March 19, 2013 and indicated since the time the letter was issued, the applicant has submitted some of the outstanding items.

Item #8 - outside agency approvals.

Condition of any approval granted. The applicant will require Gloucester County Health Department review and approval for the proposed septic system and well. *Applicant agrees to comply.*

Item #35 - Provide zoning schedule.

Complied. Was provided to the planner on April 28, 2013.

Item#38 -Photographs of site.

Complied. Was provided to the planner on April 28, 2013.

Item #41 – location of existing wells and septic systems be shown.

Condition of approval as the applicant must meet the requirements of the Gloucester County Health Department.

Item #53 – locate any historic structures on site

Waiver is recommended.

Item #55 – requires 20 foot contours and grading plan in conformance with ordinance section 96-66M.

Waiver is recommended as a grading plan will be required at the time of construction and *applicant agrees to comply*.

Item #67 – requires locations and results of all percolation tests and soil borings.

Complied and has provided as part of the Gloucester County Health Department application for well & septic.

Item #73 – requires submission of an LOI from NJDEP to verify the presence or absence of wetlands and transition areas.

Complied. The applicant has provided a signed statement on April 8, 2013 that there are no wetlands or wetlands buffers on the site.

In summary, numbers 8 & 55 are conditional waivers (will be provided at a later date) and numbers 53 & 73 are submission waivers. Mrs. Adams confirmed with Mr. Borelli that a copy of the easement was submitted with the deed.

Mr. Goss inquired about the distances of the new well and septic to that of the adjacent neighbors. Mrs. Bruder explained Gloucester County Health department has jurisdiction and the applicant will have to comply with their requirements.

Mayor Barbaro moved to grant the waivers as recommended by the board planner and deem the application “complete.” Seconded by Mrs. White.

Roll Call:

Voting in favor: *Barbaro Carter, McKeever, Nicholson, Shoultz, White Hughes, Goss*

Against: **Abstain:** *8-0-0*

2) Public Hearing, Bulk variances to replace the existing dwelling with a new dwelling on an undersized lot located at Block 170, Lot 19, 267 Clayton Aura Road, Applicant: *Belinda Florence*

Mrs. Adams confirmed the applicant completed proper public notice and swore in the board's professionals.

Mr. Borelli briefly explained the triangular lot is undersized, additional frontage is required because of the 20 foot access and that the preexisting nonconformities will not be increased by this application but rather the setback nonconformities would be improved due to the central placement of the home.

Belinda Florence testified that she has lived there for the past 35 years with her mother. It is her intention to continue to live there with her mother in a new two story modular home. The driveway will be corrected and placed within the formal right-of-way (currently it encroaches onto lot 18). Part of the driveway is already paved and the remainder will be gravel staying the same width as it is today. The width is sufficient to accommodate emergency vehicles, trucks, etc and could be expanded if necessary. Presently there is a shed on the property which will be retained and placed within the required setbacks. The construction of the home and septic field will only require the removal of a few trees.

Mr. Borelli provided and explained the following items that were marked as exhibits for the file:

A-1 - 15 site photos

A-2 - 10 additional site photos, brush cleared

A-3 - Buy/sell letters sent to adjoining property owners. To date, no responses had been received.

Regarding setbacks, and a triangular shape lot, Mrs. Bruder explained how to determine those setbacks according to the definition of a triangular lot. She also reviewed the chart on page 3 of her review letter, "bulk standards for "C" variances."

Mrs. White and Mr. Hughes had additional questions about the driveway. Ms. Florence testified the driveway width is the same beyond the paved section and the right of way is not wider than the paved area.

Mrs. Adams summarized, that the applicant is requesting "c" variances to construct a new home on a non-conforming, undersized lot and also for a variance to permit the continuation of no road frontage. The applicant has represented that these are preexisting conditions and that once the house is removed, the applicant would need these variances to erect another house. It is the board's job to determine that what the applicant proposes to do would not substantially be a negative impact or be a substantial detriment to the public welfare, to the zone plan and to the ordinances of the township as well as meeting the positive criteria which is that there is something unusual about this lot- it's shape (testimony that it is triangular), it is preexisting, it is undersized and further that the applicant made overtures to adjacent property owners to fix that problem but that no one was willing to sell them any property.

Mr. Shoultz moved to open to the public, seconded by Mrs. White.

With all members in favor, **the motion was carried.** With no comment from the public, **Mr. Shoultz moved to close to the public, Seconded by Mrs. White.**

Mr. Borelli recapped that he was in agreement with Mrs. Adams' summary and that his applicant meets the positive criteria standards by showing they cannot acquire adjoining land. This parcel is in a residential zone with a home already on it and the applicant is seeking to improve it. The negative criteria, it is a residential zone with a residential home, therefore the intent or purpose of the zoning plan and ordinance is not impaired.

Board Engineer had no comment.

Mr. Shoultz moved to approve the C variances condition upon the testimony provided, conditions outlined in the planner's review letter and all required outside agency approvals. Seconded by Mr. Goss.

Roll Call:

Voting in favor: Barbaro Carter, McKeever, Nicholson, Shoultz, White Hughes, Goss

Against: Abstain: 8-0-0

➤ **General Public Portion:**

Mr. Goss moved to open to the general public portion, seconded by Mayor Barbaro. With all members in favor, ***the motion was carried.*** With no comment from the public, **Mayor Barbaro moved to close to the public, seconded by Mr. Goss.** With all members in favor, ***the motion was carried.***

➤ **Correspondence: none.**

Mrs. Adams thanked the board members for attending her training session that focused on site plan approvals and basic meeting conduct. She would be glad to offer another workshop.

Board members discussed having plans distributed to the fire chief in the affected section of town as well as the fire official for review and comment. All the members agreed it was a good idea.

Mrs. Adams commented the submission checklist would need to be amended to 21 plan copies from 20. The Planning Board can forward this recommendation to Township committee to amend the ordinance. Also, the Map filing law has changed and the secretary will contact the board engineer for the proper language.

Mr. Goss made the board aware of a newspaper article relating to a wetlands violation and regulation change(s) and will get a copy of the article for the board members.

➤ **Adjournment:**

Mrs. White moved to adjourn, Seconded by Mayor Barbaro. With all members in favor, ***the motion was carried.***

Adjournment time: 8:31 pm

Respectfully submitted,


Anna Foley
Board Secretary